

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

EILEEN M. CLAFFEY,

PLAINTIFF,

v.

WEGMANS FOOD MARKETS, INC.,

DEFENDANT.

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

**CIVIL ACTION No.:
07-CV-6430T(P)**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Beth Snyder, Declaration of Paul Fiorica, Declaration of Steven G. Carling, Esq., Local Rule 56.1 Statement of Undisputed Material Facts, Appendix to Local Rule 56.1 Statement of Undisputed Material Facts, and the accompanying Memorandum of Law, Defendant Wegmans Food Markets, Inc. will move this Court, Honorable Michael A. Telesca, at the U.S. Courthouse, 100 State Street, Rochester, New York, on a date and time to be determined by the Court, for an order pursuant to Federal Rule of Civil Procedure 56 granting summary judgment to Defendant, dismissing Plaintiff's Complaint in its entirety with prejudice, and awarding Defendant its costs on this motion, including reasonable attorney's fees, and such other, further or different relief as the Court may deem just, proper, and equitable.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7.1(c), Defendant reserves the right to file reply papers in support of this motion, and Plaintiff's answering papers are therefore required to be filed and served at least eight (8) business days prior to the return date of this motion.

Oral argument is requested.

Dated: July 7, 2009
Rochester, New York

/s/ Steven G. Carling
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